

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

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JAMES RYALS, JR., *et al*,  
on behalf of themselves and all  
others similarly situated,

Plaintiffs

v.

CIVIL NO. 3:09cv625

HIRERIGHT SOLUTIONS, INC., *et al*,

Defendants.

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**AFFIDAVIT OF RSM MCGLADREY, INC.  
IN CONNECTION WITH NOTICE BY MAILING**

COMMONWEALTH OF PENNSYLVANIA : SS:  
COUNTY OF MONTGOMERY

BE IT KNOWN that appeared before me Frank Barkan who being duly sworn deposes and says that:

1. I am an employee of RSM McGladrey, Inc. which was appointed to aid in giving notice to potential Class Members and I was principally responsible for overseeing the dissemination of notice to members of the Class.

**Initial Notice Mailing**

2. Pursuant to the signed Order dated July 7, 2011, we were provided with a mailing list containing 665,318 names and addresses of consumers where a settlement has been proposed against HireRight Solutions, Inc. on behalf of these consumers who on or after October 5, 2004 but on or before October 15, 2010 were the subject of an employment background check that contained negative public record information such as criminal or traffic arrest, charge or conviction, civil judgment, bankruptcy or tax lien (the "Section 1681k Class"). In processing this file, we determined that there were 1,032 records where no address was provided and 1,261 duplicate records, thus leaving 663,025 records remaining to be mailed.

3. We then made arrangements to mail a copy of the Notice of Class Action Settlement in the form attached as "Exhibit A" (which conforms to the Notice approved by the Court) to these 663,025 Section 1681k consumers.

4. Pursuant to the signed Order dated July 7, 2011, we were provided with a mailing list containing 21,763 names and addresses of consumers who submitted a dispute to HireRight Solutions, Inc. after February 2, 2008 but before August 31, 2010 (the "Section 1681i Class"). In processing this file, we determined that there were 416 records where no address was provided, thus leaving 21,347 records remaining to be mailed.

5. We then made arrangements to mail a copy of the Notice of Class Action Settlement and Proof of Claim Form along with a postage pre-paid envelope in the form attached as "Exhibit B" (which conforms to the Notice approved by the Court) to these 21,347 Section 1681i consumers.

6. The 1681k notices were mailed via fourth class U.S. mail, (Standard mail), and the 1681i notices were mailed, via U.S. First Class Mail, all between August 8, 2011 and August 13, 2011, by EPIQ Systems, as set forth in the affidavit in the form attached as "Exhibit C".

7. On August 1, 2011 we sent a list to the defendants of the 1,448 records where we were unable to obtain an address either through NCOA or Accurint. They searched their records and found that 248 were not class members, 573 were class members but they did not have a complete address and additional address information was provided to us for the remaining 627.

8. We forwarded the address information for the 627 records to EPIQ Systems to mail the appropriate notice packet. On August 15, 2011, all 627 notice packets were mailed as set forth in the affidavit in the form attached as "Exhibit C".

### **Undeliverable Notices**

9. 1681k - Pursuant to the Settlement Agreement, the 1681k class Notices were sent via fourth class U.S. mail, (Standard mail), postage pre-paid. As such, the U.S. Postal Service is not required to return any mail to the sender that was unable to be delivered. In addition, the Settlement Agreement provides that, after the initial mailing, there is no further obligation to send notice to 1681k Settlement Class Members.

10. 1681i - As of the close of business on October 14, 2011, 3,495 1681i Notice Packets (16% of the mailing list) have been returned by the U.S. Postal Service as undeliverable.

### **Website**

11. Pursuant to the Settlement Agreement, the Notice of Class Action Settlement, Claim Form and Exclusion Request Form (in both English and Spanish), Settlement Agreement, Court Order, Plaintiff's Motion for Preliminary Approval of Settlement, Memorandum of Law in Support of Motion for Preliminary Approval of Settlement, contact information for Settlement Class Counsel and the Settlement Administrator were posted on the Settlement website (<http://www.dacclassaction.com>) on August 3, 2011.

12. The website also provides the class members with the ability to file claims online and to email questions to the Settlement Administrator.

### **Exclusion Requests**

13. A Post Office Box (under the name of Exclusion Requests - *Ryals* Settlement Administrator, PO Box 1387, Blue Bell, PA 19422) was designated to receive exclusion requests. The Post Office Box address appeared in all notices mailed to potential Class Members.

14. As of October 14, 2011, we have received a total of 422 exclusion requests. 48 of them are from the 1681i class, 355 from the 1681k class and the remaining 19 exclusions could not be identified on the mailing list, as set forth in "Exhibit D".

15. There are 255 exclusion requests whose names were not found on the original mailing lists or they were facially deficient for reasons such as lack of signature, not checking the box that indicates the intention to exclude oneself, and not providing the last four digits of the Social Security Number. A letter explaining the deficiency and the corrective measures was sent to each person. Specifically, 204 of these requests are deficient for not checking the box that indicates the intention to exclude oneself. Our experience is such that many of these individuals may not have understood the purpose of the form and simply thought that they needed to sign it and mail it back with no intention to exclude themselves.

### **Correspondence and Telephone Communications**

16. A dedicated toll free number for the Settlement was activated on August 8, 2011. The toll free number provides callers with automated answers to frequently asked questions, the ability to request a copy of the Notice and Claim Form by mail, and the option of connecting to a live claimant services representative for additional information. Through October 14, 2011, we have received 9,084 calls to this toll free number, and 3,654 potential Class Members have connected to a live claimant services representative.

17. A Post Office Box (under the name of *Ryals v. HireRight Solutions, Inc.* Settlement Administrator, PO Box 4109, Portland, OR 97208-4109) was designated to receive claim forms and correspondence. The Post Office Box address appeared in all notices mailed to potential Class Members.

18. As of the close of business on October 14, 2011, we have received 123 pieces of correspondence, some of which included address changes, name changes, notification of deceased class members, and attachments to claims.

19. As of the close of business on October 14, 2011, the Settlement website has received 83 email inquiries.

### **Objections to the Settlement**

20. For any class member who wished to object to the Settlement, the Notice of Class Action Settlement directed them to mail a letter directly to the Court, Class Counsel and to Defense Counsel. As such, as of October 14, 2011 we did not receive any Objections in our office.

### **Receipt of Claim Forms**

21. As of the close of business on October 14, 2011, we have received 2,979 Actual Damages Claims, either by means of mailed in claims or claims that were filed utilizing the Settlement website's online claim filing function. Claimants were required to provide a written explanation of the damages they suffered. In addition, some have provided copies of background reports from USIS/HireRight.

### **Weekly Reports to Counsel**

22. Beginning August 26, 2011, and on a weekly basis thereafter, we have been providing Counsel with a report that contains a summary with respect to the mailing of the 1681i and 1681k Notices, as well as exclusion request statistics as set forth in "Exhibit E".

### **Settlement Administrator Fees and Expenses**

23. As of September 30, 2011, the Settlement Administrator has incurred fees and expenses in the amount of \$479,975.02, broken out as follows:

a.	Cost to print and mail the 1681k Notices -	\$102,837.60
b.	Postage for 1681k Notices -	181,631.81
c.	Cost to print and mail the 1681i Notices -	45,101.78
d.	Postage for 1681i Notices -	11,207.95
e.	Telephone support -	56,202.27
f.	Website and Database development -	29,691.00
g.	Exclusion request processing -	18,892.20
h.	Report to Counsel -	34,410.41



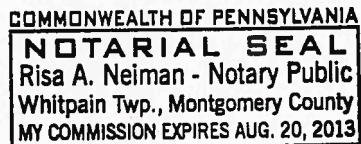
24. Class members have the ability to file claims for the next several weeks, and the review of the Actual Damages Claims is in the early stages. However, we estimate that the additional costs and expenses to complete the review of claims and distribute the settlement fund to the eligible class members, will be approximately \$450,000.00.

SWORN TO AND SUBSCRIBED TO  
before me this 18<sup>th</sup> day of

October, 2011.

Risa A. Neiman  
NOTARY PUBLIC

Frank Barkan  
Frank Barkan



# Exhibit A

**Settlement Administrator**  
***Ryals v. HireRight Solutions, Inc.***  
**Post Office Box 4109**  
**Portland, OR 97208-4109**

PRESORTED  
STANDARD  
U.S. POSTAGE  
**PAID**  
Portland, OR  
Permit No. NNNN

First Name MI Last Name  
Address 1  
Address 2  
City, ST Zip Code

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***A FEDERAL COURT ORDERED THIS NOTICE. THIS IS NOT A SOLICITATION FROM A LAWYER.***

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

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**JAMES RYALS, JR., *et al*,**  
on behalf of themselves and all  
others similarly situated,

**Plaintiffs**

**v.**

**CIVIL NO. 3:09cv625**

**HIRERIGHT SOLUTIONS, INC., *et al*,**

**Defendants.**

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**NOTICE OF CLASS ACTION SETTLEMENT**

**IF YOU APPLIED FOR A JOB WITH AN EMPLOYER THAT ACCESSED YOUR CONSUMER REPORT FROM HIRERIGHT SOLUTIONS, INC. (FORMERLY USIS COMMERCIAL SERVICES, INC.) ON OR AFTER OCTOBER 5, 2004 AND ON OR BEFORE OCTOBER 15, 2010, YOU MAY BE ENTITLED TO A CASH PAYMENT FROM A CLASS ACTION SETTLEMENT**

A settlement has been proposed in a class action lawsuit against HireRight Solutions, Inc. (formerly USIS Commercial Services, Inc.), Altegrity, Inc., Explore Information Services, LLC, and US Investigations Services, LLC on behalf of consumers who on or after October 5, 2004 but on or before October 15, 2010 were the subject of an employment background check that contained negative public record information such as a criminal or traffic arrest, charge or conviction, civil judgment, bankruptcy or tax lien.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
<b>DO NOTHING</b>	If the Court approves the settlement, a check in an amount between \$10.00 and \$55.27 will be mailed to you.
<b>EXCLUDE YOURSELF</b>	You remove yourself from participation in this class action and do not receive a benefit from this settlement. However, you retain any right to file a separate lawsuit against any of the Defendants. If you choose this option, it is important that you promptly speak to an attorney because of the time-sensitive nature of claims under the Fair Credit Reporting Act.
<b>OBJECT</b>	You remain a Class Member, but write to the Court and explain why you don't think the settlement is fair, reasonable, and/or adequate.

**BASIC INFORMATION**

**I. WHY DID I RECEIVE THIS NOTICE?**

A Court authorized the notice because you have a right to know about a proposed settlement of this class action lawsuit and about all of your options before the Court decides whether to give "final approval" to the settlement. This notice explains the lawsuit, the settlement, and your legal rights. Judge John A. Gibney, Jr., of the United States District Court for the Eastern District of Virginia, is overseeing this class action. The case is known as *Ryals v. HireRight Solutions, Inc.*, Civil No. 3:09cv625.

**QUESTIONS? VISIT [WWW.DACCLASSACTION.COM](http://WWW.DACCLASSACTION.COM) OR CALL 1-877-854-4675**



## 2. WHAT IS THIS LAWSUIT ABOUT?

Three separate class action lawsuits ("Lawsuits") against Defendants HireRight Solutions, Inc. and the other entities named above ("Defendants" or "HireRight Solutions") have been consolidated for certain purposes in the United States District Court for the Eastern District of Virginia under the caption of *Ryals v. HireRight Solutions, Inc.*, Civil No. 3:09cv625. The persons who sued on behalf of the class are called the "Plaintiffs," and the companies sued are called the "Defendants."

### **Case Facts**

The Lawsuits allege that certain policies and practices of Defendants in connection with background checks sold by HireRight Solutions to prospective employers are in willful violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* ("FCRA"). Specifically, the Lawsuits contend that Defendants violated the FCRA by (1) failing to provide consumers with notice that they were furnishing an employment-purposed consumer report "at the time" they were doing so; (2) failing to follow proper procedures for providing information to consumers upon their request; (3) failing to follow proper procedures for initiating and resolving consumer disputes; (4) failing to timely update employment applicants' criminal record histories to show that such records have been expunged; and, (5) failing to ensure that criminal records were not duplicatively reported in a single background check report.

YOU ARE RECEIVING THIS NOTICE BECAUSE PLAINTIFFS ALLEGE THAT HIRERIGHT SOLUTIONS FURNISHED YOUR BACKGROUND CHECK TO AN EMPLOYER/ PROSPECTIVE EMPLOYER BUT DID NOT SEND YOU A NOTICE AT THAT TIME, AND THEY ALLEGE THAT THIS VIOLATED THE FCRA.

### **How the Defendants Responded**

Defendants have denied all charges and allegations of wrongdoing asserted in the Lawsuits and contend that they acted lawfully and in compliance with the FCRA at all times. Notwithstanding the denials of liability and alleged unlawful conduct, Defendants have decided it is in their best interest to settle the Lawsuits to avoid the burden, expense, risk and uncertainty of continuing the Litigation.

## WHO IS AFFECTED BY THE SETTLEMENT?

## 3. HOW DO I KNOW IF I AM AFFECTED BY THE SETTLEMENT?

You are a member of the Settlement Class and are affected by the settlement because you applied for a job where the prospective employer was supplied with a background check generated by the Defendants.

Specifically, for the purposes of settlement only, the Court has provisionally certified a Settlement Class defined as follows:

**"1681k Settlement Class"** means all consumers for whom HireRight Solutions issued a consumer report for employment purposes requiring notice under §1681k(a)(1) on or after October 5, 2004 but on or before October 15, 2010.

Excluded from the Class are employees of Defendants, all counsel in this case, any judge who has presided over either mediation or disposition of this case (and the members of his immediate family), and any person who has already released Defendants.

If you fall within the foregoing 1681k Settlement Class definition, you will be a 1681k Settlement Class Member unless you exclude yourself from the Settlement Class.

## WHAT BENEFITS ARE PROVIDED?

## 4. WHAT DOES THE SETTLEMENT PROVIDE?

Defendants have agreed to pay into a Settlement Fund for the benefit of the 1681k Settlement Class. These are the claims for failing to send you a notice "at the time" HireRight Solutions furnished a report to your employer. Payments will be made by check to each Class Member in the following approximate amounts:

If HireRight Solutions issued your consumer report on or after October 5, 2004 but before December 17, 2007 – a gross amount of \$15.00, with an expected net payment of \$10.00;

QUESTIONS? VISIT [WWW.DACCLASSACTION.COM](http://WWW.DACCLASSACTION.COM) OR CALL 1-877-854-4675



If HireRight Solutions issued your consumer report on or after December 17, 2007 but before June 25, 2008 – a gross amount of \$82.50, with an expected net payment of \$55.27;

If HireRight Solutions issued your consumer report on or after June 25, 2008, but on or before October 15, 2010 – a gross amount of \$24.00, with an expected net payment of \$16.00.

Because the amount of each check to be issued is subject to *pro rata* deduction from the Settlement Fund for attorneys' fees and costs approved by the Court, the expected payment is the "Net" amount stated above.

As a term of the Settlement, HireRight Solutions has agreed to implement process changes and continue to implement improvements made to its legacy products, practices, and policies to enhance the accuracy of consumer reports it may furnish from any proprietary criminal records databases it maintains.

## HOW YOU GET SETTLEMENT BENEFITS

### 5. HOW CAN I GET A BENEFIT?

You do not need to do anything to receive the benefits of the settlement. If the settlement is finally approved, you will automatically receive a payment, unless you have excluded yourself from the Settlement Class.

The check will be mailed to the address appearing in HireRight Solutions's records. If your address has changed or is changing, you may contact the Settlement Administrator at the address listed at the bottom of this notice.

### 6. WHEN WOULD I GET MY SETTLEMENT CHECK?

The Court will hold a hearing on November 3, 2011 to decide whether to approve the settlement. If the Court approves the settlement after that, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year after Court approval. The progress of the settlement will be reported at the website [www.DACClassAction.com](http://www.DACClassAction.com). Please be patient.

### 7. WHAT AM I GIVING UP TO GET A BENEFIT OR STAY IN THE SETTLEMENT CLASS?

Unless you exclude yourself, you are staying in the Settlement Class, which means that you cannot be part of any other lawsuit against any of the Defendants (or other parties released by the settlement) about the legal claims in this case and legal claims that could have been brought in this case. It also means that all of the Court's orders will apply to you and legally bind you. If you do not exclude yourself from the Settlement Class, you will agree to a "Release of Claims," stated below, which describes exactly the legal claims that you give up if you get settlement benefits. Basically, you are releasing your right to individually sue for any violation of Federal or State law based on HireRight Solutions's failure to send you a notice "at the time" it furnished your consumer report to an employer and your right to sue on a class action basis for any violation of the FCRA or State FCRA equivalents.

The "Release" contained in the Settlement Agreement states:

In exchange for the relief described in this Settlement Agreement, 1681k Settlement Class Members and any of their respective heirs, spouses, executors, administrators, partners, attorneys, predecessors, successors, assigns, agents and/or representatives, and/or anyone acting or purporting to act on their behalf agree to release the Released Parties from any and all class action claims arising under the FCRA or an FCRA State Equivalent, any and all claims for any statutory damages resulting from an alleged violation of the FCRA or an FCRA State Equivalent, any and all claims for punitive damages resulting from an alleged violation of the FCRA or an FCRA State Equivalent, and any and all claims that Defendants willfully violated the FCRA or willfully violated or exercised gross negligence in violating a FCRA State Equivalent. Furthermore, the 1681k Settlement Class Members release the Released Parties from any and all claims alleging a failure to provide the notice or information as required by Section 613 of the FCRA, 15 U.S.C. §1681k, or FCRA State Equivalents including a release for any and all actual damages, damages stemming from any allegations of willfulness, damages for emotional distress, statutory damages, consequential damages, incidental damages, treble damages, punitive and exemplary damages, as well as all claims for equitable, declaratory or injunctive relief based on these claims.

QUESTIONS? VISIT [WWW.DACCLASSACTION.COM](http://WWW.DACCLASSACTION.COM) OR CALL 1-877-854-4675

### EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a benefit from this settlement, but you want to maintain your right to sue or continue to sue the Defendants on your own about the legal issues in this case, you must take steps to exclude yourself from the Settlement Class. This is called excluding yourself – or is sometimes referred to as “opting out” of the Settlement Class. Opting out gives you the right to bring your own lawsuit but may preclude you from participating in any future class action against Defendants and does not guarantee that your own lawsuit will be successful.

#### 8. HOW DO I EXCLUDE MYSELF FROM THE SETTLEMENT?

You may “opt out” or exclude yourself from the settlement as explained below.

REQUESTS FOR EXCLUSION THAT ARE NOT POSTMARKED ON OR BEFORE OCTOBER 13, 2011 WILL NOT BE HONORED.

You cannot exclude yourself on the phone or by email. You also cannot exclude yourself by mailing a request to any other location or after the deadline.

If you exclude yourself, you should promptly consult your own attorney about your rights as the time to file an individual lawsuit is limited.

To exclude yourself from the settlement, you must complete the attached Exclusion Request, selecting “I am opting out” where indicated, or send a letter stating that you want to be excluded from the settlement of the *Ryals v. HireRight Solutions* case. Be sure to include: (1) the name of this lawsuit, *Ryals v. HireRight Solutions, Inc.*, Civil Action No. 3:09cv625; (2) your full name, current address, telephone number, and last four digits of your Social Security number; (3) a statement of intention to exclude yourself from the settlement; and (4) your signature. You must mail your Exclusion Request so that it is postmarked no later than October 13, 2011, to:

Exclusion Requests - *Ryals* Settlement Administrator  
Post Office Box 1387  
Blue Bell, PA 19422

#### 9. IF I DO NOT EXCLUDE MYSELF, CAN I SUE DEFENDANTS FOR THE SAME THING LATER?

No. Unless you exclude yourself, you give up the right to sue the Defendants for the claims that this settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You may need to exclude yourself from *this* class action in order to continue your own lawsuit. Remember, October 13, 2011 is the deadline by which your Exclusion Request must be postmarked.

#### 10. IF I EXCLUDE MYSELF, CAN I GET ANY MONETARY BENEFIT FROM THIS SETTLEMENT?

No.

### THOSE REPRESENTING YOU

#### 11. DO I HAVE A LAWYER IN THE CASE?

The Class Representatives retained **Leonard A. Bennett** and **Matthew J. Erausquin**, Consumer Litigation Associates, P.C., 12515 Warwick Boulevard, Suite 100, Newport News, VA 23606; **Christopher Colt North**, 751-A Thimble Shoals Blvd., Newport News, VA 23606; **Dennis M. O'Toole**, **Matthew A. Dooley**, and **Anthony R. Pecora**, Stumphauzer, O'Toole, McLaughlin, McGlamery & Loughman, 5455 Detroit Rd., Sheffield Village, OH 44054; **James Francis** and **Erin Novak**, Francis & Mailman, P.C., 19th Floor, 100 S. Broad Street, Philadelphia, PA 19110; **Sharon Dietrich** and **Janet Ginzberg**, Community Legal Services, Inc., 1424 Chestnut Street, Philadelphia, PA 19102; and **David Searles** and **Michael Donovan**, Donovan Searles & Axler, LLC, 1845 Walnut Street, Philadelphia, PA 19104 to represent them. In connection with the preliminary approval of the settlement, the Court appointed these firms to represent you and other Class Members. Together, the lawyers are called Class Counsel. You will not be separately charged by these lawyers for their work on the case. If you want to be represented by your own lawyer, you may hire one at your own expense.

QUESTIONS? VISIT [WWW.DACCLASSACTION.COM](http://WWW.DACCLASSACTION.COM) OR CALL 1-877-854-4675



**12. HOW WILL THE LAWYERS BE PAID?**

Class Counsel will ask the Court for an award of attorneys' fees, which the Defendants have agreed to pay, with counsel for one of the consolidated cases requesting a percentage of approximately 24% of the Settlement Fund and Class Counsel for the other two of the consolidated cases requesting a percentage of approximately 9% of the Settlement Fund. However, the Court may ultimately award less than this amount. Class Counsel will also ask the Court to reimburse their costs and expenses incurred by them and by the Class Representatives in litigating this matter. The Defendants have paid for the costs of this notice to you and the costs of administering the Settlement Fund.

**13. ARE THE CLASS REPRESENTATIVES ENTITLED TO A SEPARATE PAYMENT?**

Class Representatives will ask the Court to approve a payment to each of the named Plaintiffs of an amount not to exceed \$10,000 each as an incentive award for their efforts and time expended in prosecuting this case. However, the Court may ultimately award less than these amounts.

**OBJECTING TO THE SETTLEMENT**

**14. HOW DO I TELL THE COURT THAT I DO NOT LIKE THE SETTLEMENT?**

If you are a Settlement Class Member, you can object to the settlement if you do not think any part of the settlement is fair, reasonable, and/or adequate. You can and should explain the detailed reasons why you think the Court should not approve the settlement, if this is the case. The Court and Class Counsel will consider your views carefully. To object, you must send a letter stating that you object to the settlement in the *Ryals v. HireRight Solutions* case. Be sure to include (1) the name of this lawsuit, *Ryals v. HireRight Solutions, Inc.*, Civil Action No. 3:09cv625; (2) your full name, current address and telephone number; (3) a detailed explanation of the reasons you object to the settlement and any papers in support of your position; and (4) signed verification of membership in the Settlement Class. Mail these materials to these three different places so that they are received no later than October 13, 2011.

**COURT**

Clerk of the Court  
United States District Court  
701 East Broad Street  
Richmond, VA 23219

**CLASS COUNSEL**

**Leonard A. Bennett**  
Consumer Litigation Associates, P.C.  
12515 Warwick Boulevard, Suite 100  
Newport News, VA 23606

**DEFENSE COUNSEL**

**Dane H. Butswinkas**  
Williams & Connolly, LLP  
725 12<sup>th</sup> Street, NW  
Washington, DC 20005

You also must file a statement with the Court that tells the Court the date that you also mailed or delivered copies of these papers to Class Counsel and Defense Counsel.

There are additional requirements necessary for your attorney if you retain one. These requirements are stated in the Settlement Agreement and Preliminary Approval Order available at [www.DACClassAction.com](http://www.DACClassAction.com).

**15. WHAT IS THE DIFFERENCE BETWEEN OBJECTING AND EXCLUDING?**

Objecting is simply telling the Court that you do not like something about the settlement. You can object only if you remain in the Class. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object to this settlement because the case no longer affects you.



### THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend, and you may ask to speak, but you do not have to.

#### 16. WHEN AND WHERE WILL THE COURT DECIDE TO APPROVE THE SETTLEMENT?

The Court will hold a Fairness Hearing on November 3, 2011, at 10:00 a.m., in Courtroom 6000 of the United States District Court for the Eastern District of Virginia, 701 East Broad Street, Richmond, VA 23219. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have submitted timely requests to speak at the hearing. The Court may also decide the amount that Class Counsel and Class Representatives shall be paid. After the hearing, the Court will decide whether to finally approve the settlement.

#### 17. DO I HAVE TO COME TO THE HEARING?

No. Class Counsel will answer questions the Court may have. But you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

#### 18. MAY I SPEAK AT THE HEARING?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in the *Ryals v. HireRight* case." Be sure to include your name, address, telephone number and your signature. Your Notice of Intention to Appear must be sent to the Clerk of the Court, Class Counsel and Defense Counsel, at the three addresses previously provided in section 14, and must be received by the Clerk of the Court by October 13, 2011. You cannot speak at the hearing if you have excluded yourself.

### GETTING MORE INFORMATION

#### 19. ARE THERE MORE DETAILS ABOUT THE SETTLEMENT?

This notice summarizes the proposed settlement. More details can be found on the settlement website at [www.DACClassAction.com](http://www.DACClassAction.com), which includes the complaint, Settlement Agreement, and other governing settlement documents.

#### 20. HOW DO I GET MORE INFORMATION?

You can visit the website at [www.DACClassAction.com](http://www.DACClassAction.com). If you have questions about the case, you can call toll free (877) 854-4675, or you can contact Class Counsel, **Leonard A. Bennett**, Consumer Litigation Associates, P.C. by e-mail at [bennett@clalegal.com](mailto:bennett@clalegal.com), or by mail at 12515 Warwick Boulevard, Suite 100, Newport News, VA 23606.

**PLEASE, DO NOT CALL THE COURT, THE CLERK OR THE DEFENDANTS REGARDING THIS SETTLEMENT.**

**Exclusion Request – Ryals Settlement Administrator**  
**Receive No Settlement Benefits**

**(If you choose this option, you will not receive a settlement check)**

To exclude yourself from the settlement, you must complete the attached Exclusion Request, selecting "I am opting out" where indicated, or send a letter stating that you want to be excluded from the settlement of the *Ryals v. HireRight Solutions* case. Be sure to include: (1) the name of this lawsuit, *Ryals v. HireRight Solutions, Inc.*, Civil Action No. 3:09cv625; (2) your full name, current address, telephone number, and last four digits of your Social Security number; (3) a statement of intention to exclude yourself from the settlement; and (4) your signature.

You must mail your Exclusion Request so that it is postmarked no later than October 13, 2011, to:

Exclusion Requests - *Ryals* Settlement Administrator  
Post Office Box 1387  
Blue Bell, PA 19422

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**Exclusion Request - *Ryals* Settlement Administrator**

FILL OUT AND RETURN THIS FORM ONLY IF YOU WISH TO EXCLUDE YOURSELF FROM THE SETTLEMENT. IF YOU WISH TO PARTICIPATE IN THE SETTLEMENT, YOU DO NOT NEED TO RETURN THIS FORM.

\_\_\_\_\_ I am opting out of the Settlement in *Ryals v. HireRight Solutions, Inc.*, Civil Action No. 3:09cv625.

Full name:

\_\_\_\_\_

Current address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone number:

\_\_\_\_\_

Last four digits of SSN:

\_\_\_\_\_

\_\_\_\_\_  
Signature

# Exhibit B



***A FEDERAL COURT ORDERED THIS NOTICE. THIS IS NOT A SOLICITATION FROM A LAWYER.***

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**JAMES RYALS, JR., *et al*,  
on behalf of themselves and all  
others similarly situated,**

**Plaintiffs**

**v.**

**CIVIL NO. 3:09cv625**

**HIRERIGHT SOLUTIONS, INC., *et al*,  
Defendants.**

**NOTICE OF CLASS ACTION SETTLEMENT**

**THE RECORDS OF HIRERIGHT SOLUTIONS, INC. (FORMERLY USIS COMMERCIAL SERVICES, INC.) SHOW THAT YOU SUBMITTED A DISPUTE TO HIRERIGHT SOLUTIONS REGARDING YOUR EMPLOYMENT CONSUMER REPORT (BACKGROUND CHECK).**

**YOU MAY BE ENTITLED TO A CASH PAYMENT OF AT LEAST \$134.00 AND NO MORE THAN \$20,000.00 FROM A CLASS ACTION SETTLEMENT.**

A settlement has been proposed in a class action lawsuit against HireRight Solutions, Inc. (formerly USIS Commercial Services, Inc.), Altegrity, Inc., Explore Information Services, LLC, and US Investigations Services, LLC on behalf of consumers who on or after October 5, 2004 but on or before October 15, 2010 were the subject of an employment background check that contained negative public record information such as a criminal or traffic arrest, charge or conviction, civil judgment, bankruptcy or tax lien. (The "Section 1681k Class").

A settlement has also been proposed in this same lawsuit on behalf of all consumers who submitted a dispute to HireRight Solutions, Inc. ("HireRight Solutions") after February 2, 2008 but before August 31, 2010. (The "Section 1681i Class").

You may be a member of the first group, the Section 1681k Class. However, you have received this notice because records indicate that you are also a member of the second group, the Section 1681i Class.

Your legal rights will be affected by the settlement of this lawsuit. Please read this notice carefully. It explains the lawsuit, the settlement, and your legal rights, including the process for receiving a settlement check, excluding yourself from the settlement, or objecting to the settlement.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
<b>DO NOTHING</b>	If the Court approves the settlement and you do nothing, a check in the approximate amount of \$134.00 will be mailed to you.
<b>MAKE A CLAIM FOR ACTUAL DAMAGES PAYMENT</b>	If you submit a claim form for your actual damages and that claim is determined to be valid, you will receive a cash payment for your damages. If 5% of Class Members submit a valid claim, the net amount of this payment will be likely be approximately \$4,000.00 per claim. The amount cannot exceed \$20,000.00.
<b>EXCLUDE YOURSELF</b>	You remove yourself from participation in this class action and do not receive a benefit from this settlement. However, you retain any right to file a separate lawsuit against any of the Defendants. If you choose this option, it is important that you promptly speak to an attorney because of the time-sensitive nature of claims under the Fair Credit Reporting Act.
<b>OBJECT</b>	You remain a Class Member, but write to the Court and explain why you do not think the settlement is fair, reasonable, and/or adequate.

**QUESTIONS? VISIT [WWW.DACCLASSACTION.COM](http://WWW.DACCLASSACTION.COM) OR CALL 1-877-854-4675**

## BASIC INFORMATION

### 1. WHY DID I RECEIVE THIS NOTICE?

A Court authorized the notice because you have a right to know about a proposed settlement of this class action lawsuit and about all of your options before the Court decides whether to give "final approval" to the settlement. This notice explains the lawsuit, the settlement, and your legal rights. Judge John A. Gibney, Jr., of the United States District Court for the Eastern District of Virginia, is overseeing this class action. The case is known as *Ryals v. HireRight Solutions, Inc.*, Civil No. 3:09cv625.

### 2. WHAT IS THIS LAWSUIT ABOUT?

Three separate class action lawsuits ("Lawsuits") against Defendants HireRight Solutions, Inc. and the other entities named above ("Defendants" or "HireRight Solutions") have been consolidated for certain purposes in the United States District Court for the Eastern District of Virginia under the caption of *Ryals v. HireRight Solutions, Inc.*, Civil No. 3:09cv625. The persons who sued on behalf of the class are called the "Plaintiffs," and the companies sued are called the "Defendants."

#### **Case Facts**

The Lawsuits allege that certain policies and practices of Defendants in connection with background checks sold by HireRight Solutions to prospective employers are in willful violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* ("FCRA"). Specifically, the Lawsuits contend that Defendants violated the FCRA by (1) failing to provide consumers with notice that they were furnishing an employment-purposed consumer report "at the time" they were doing so; (2) failing to follow proper procedures for providing information to consumers upon their request; (3) failing to follow proper procedures for initiating and resolving consumer disputes; (4) failing to timely update employment applicants' criminal record histories to show that such records have been expunged; and, (5) failing to ensure that criminal records were not duplicatively reported in a single background check report.

YOU ARE RECEIVING THIS NOTICE BECAUSE PLAINTIFFS ALLEGE THAT HIRERIGHT SOLUTIONS DID NOT FOLLOW THE FCRA PROCEDURES REQUIRED WHEN A CONSUMER ATTEMPTS TO DISPUTE INACCURATE OR INCOMPLETE INFORMATION IN THEIR CONSUMER REPORT. Specifically, Plaintiffs allege that HireRight Solutions imposed requirements or delays before it initiated investigations of the consumer disputes that are not permitted under the FCRA.

#### **How the Defendants Responded**

Defendants have denied all charges and allegations of wrongdoing asserted in the Lawsuits and contend that they acted lawfully and in compliance with the FCRA at all times. Notwithstanding the denials of liability and alleged unlawful conduct, Defendants have decided it is in their best interest to settle the Lawsuits to avoid the burden, expense, risk and uncertainty of continuing the Litigation.

## WHO IS AFFECTED BY THE SETTLEMENT?

### 3. HOW DO I KNOW IF I AM AFFECTED BY THE SETTLEMENT?

You are a member of the Section 1681i Settlement Class and are affected by the settlement because you filed a dispute with HireRight Solutions claiming that information in your HireRight Solutions consumer report or file was not accurate or was incomplete.

Specifically, for the purposes of settlement only, the Court has provisionally certified a Settlement Class defined as follows:

**"1681i Settlement Class"** means all consumers who submitted a dispute to HireRight Solutions after February 2, 2008 but before August 31, 2010.

Excluded from the Class are employees of Defendants, all counsel in this case, any judge who has presided over either mediation or disposition of this case (and the members of his immediate family), and any person who has already released Defendants.

If you fall within the foregoing 1681i Settlement Class definition, you will be a 1681i Settlement Class Member unless you exclude yourself from the Settlement Class.

## WHAT BENEFITS ARE PROVIDED?

### 4. WHAT DOES THE SETTLEMENT PROVIDE?

Defendants have agreed to pay into a Settlement Fund for the benefit of the 1681i Settlement Class. Payments will be made by

check to each Class Member in the following approximate amounts:

- A. If you do nothing and do not submit a claim, you will receive a gross payment of \$200.00, with an expected net payment of \$134.00.
- B. If you believe that you were damaged by inaccurate or incomplete information in your HireRight Solutions consumer report or HireRight Solutions's handling of your dispute, and you submit a valid claim, then you will receive a *pro rata* share of the actual damages settlement fund. The Parties estimate that if 5% of all Section 1681i Class Members submitted valid claims, each person who submitted a valid claim would receive an actual damages net payment in the amount of \$4,000.00.

Because the amount of each check to be issued is subject to *pro rata* deduction from the Settlement Fund for costs of notice and settlement administration, attorneys' fees, and costs approved by the Court, the expected payment is the "Net" amount stated above.

As a term of the Settlement, HireRight Solutions has agreed to implement process changes and continue to implement improvements made to its legacy products, practices, and policies to enhance the accuracy of consumer reports it may furnish from any proprietary criminal records databases it maintains.

### HOW YOU GET SETTLEMENT BENEFITS

#### 5. WHAT DO I DO IF I WANT TO SUBMIT A CLAIM FOR ACTUAL DAMAGES?

There are approximately 21,762 Section 1681i Class Members, including you. Each of these consumers is permitted to submit a claim for actual damages.

**READ THE FOLLOWING VERY CAREFULLY.** If you believe that you have incurred actual damages because of HireRight Solutions's consumer report or handling of your dispute, you need to submit a claim form no later than fourteen (14) days following Final Approval. You may also obtain assistance at [www.DACClassAction.com](http://www.DACClassAction.com) or by calling the Settlement Administrator at (877) 854-4675.

#### STEP ONE: Complete the Claim Form

In order to submit a claim, you need to follow the instructions on the "Claim Form" attached at the end of this notice. You may submit a claim in either of two ways:

- (1) Register for a claim at [www.DACClassAction.com](http://www.DACClassAction.com). You will need to scan and upload the documents required;

OR

- (2) Return the completed Claim form and required documents to the Settlement Administrator, by U.S. mail, to the address stated in the form.

The Claim Form – by mail or on the website – requires that you provide some basic information: your name, current postal address, current telephone number, date of birth, last four digits of your Social Security number, and a brief statement describing the basis for the claim of actual damages. *All of this information will be kept confidential.*

#### STEP TWO: Also Submit Your "Proof" of Damage

In addition to the Claim Form, it is necessary for you to also provide either:

- (1) Documentation from a third party supporting your claim that you have suffered damages;

OR

- (2) A sworn statement with sufficient detail by which the Settlement Administrator can confirm or discern that you have suffered damages.

These requirements are not intended to be substantial. *Documentation from a third party that you could submit would include any letter(s) or documents provided by your employer or prospective employer denying you a job or promotion. If you do not have or cannot obtain such a letter, you can also submit an affidavit or sworn statement that explains how you were harmed by the HireRight Solutions consumer report or dispute process. You should provide as much detail as you are able to include such as the name of the employer involved, the nature of the inaccurate information or other details that will help the Settlement Administrator confirm or discern that you have suffered damages.*



**STEP THREE: Settlement Administrator will Determine the Validity of Claims**

Claim forms and substantiating documents, whether submitted electronically via the Settlement Website or by U.S. Mail, that do not meet the requirements as set forth in the Settlement Agreement and in the registration form instructions will be rejected. If you do not provide accurate information, fail to make the required representations and attestations concerning membership in the Actual Damages Claims Settlement Class, fail to provide the proof document(s), or fail to sign a registration form submitted by U.S. Mail (or e-sign the form submitted on the website), your claim will be rejected.

The Settlement Administrator shall have the authority to determine whether a claim made by any Actual Damages Claims Settlement Class Member is a Valid Claim. The Settlement Administrator's determinations in this regard shall be final and non-appealable unless Defendants Counsel or Class Counsel disagree, in which case the determination shall be made by United States District Court Magistrate Judge Dohnal.

If your Damages Claim is determined to be Invalid, you will still receive the payment as a 1681i Settlement Class Member.

**6. HOW MUCH MONEY WILL I RECEIVE IF I SUBMIT A VALID CLAIM?**

The amount of money paid to each person who submits a valid damage claim depends on several things.

First, the portion of the Settlement Fund created by Defendants that will be available to pay such claims is estimated to be no less than the gross amount of \$1,900,000.00.

Second, this fund will then be increased by the amount of all checks disbursed to 1681k and 1681i Settlement Class Members pursuant to the separate terms of settlement for those classes that remain uncashed more than forty-five (45) days after mailing.

Third, the amount of the fund that will be paid to actual damages Class Members in net payments will be reduced by the amount of attorneys fees and costs awarded by the Court and by the costs of administration and notice.

Finally, the payment to each Actual Damages Claims Settlement Class Member who is determined to have a Valid Claim shall be made *pro rata* based on the number of Valid Claims and the amount of the Actual Damages Claims Settlement Fund remaining. To calculate the gross (pre-fees, costs and incentive awards) *pro rata* amount of each payment, the Settlement Administrator will divide the amount left in the Settlement Fund after all other payments from the Settlement Fund required by the Settlement Agreement have been satisfied by the total number of Valid Claims. Notwithstanding the foregoing, individual payments to Actual Damages Claims Settlement Class Members will not exceed twenty thousand dollars (\$20,000).

For example, if the Court awards attorneys fees and costs as requested and with the costs of notice and administration as currently estimated, if 5% of Section 1681i Class Members submit valid damages claims, each claimant would receive a net payment of approximately \$4,000.00. If the valid rate of claims is 10%, each claimant would receive a net payment of approximately \$2,000.00.

**7. WHAT HAPPENS IF I DO NOTHING?**

You do not need to do anything to receive the benefits of the settlement. If the settlement is finally approved and you take no action, you will automatically receive a payment. The check will be mailed to the address appearing in HireRight Solutions' records. If your address has changed or is changing, you may contact the Settlement Administrator at the address listed at the bottom of this notice.

**8. WHEN WOULD I GET MY SETTLEMENT CHECK?**

The Court will hold a hearing on November 3, 2011 to decide whether to approve the settlement. If the Court approves the settlement after that, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year after Court approval. The progress of the settlement will be reported at the website [www.DACClassAction.com](http://www.DACClassAction.com). Please be patient.

**9. WHAT AM I GIVING UP TO GET A BENEFIT OR STAY IN THE SETTLEMENT CLASS?**

Unless you exclude yourself, you are staying in the Settlement Class, which means that you cannot be part of any other lawsuit against any of the Defendants (or other parties released by the settlement) about the legal claims in this case and legal claims that could have been brought in this case. It also means that all of the Court's orders will apply to you and legally bind you. If you do not exclude yourself from the Settlement Class, you will agree to a "Release of Claims," stated below, which describes exactly the legal claims that you give up if you get settlement benefits. Basically, you are releasing your right to individually sue for any violation of Federal or State law arising from or in connection with Defendants' furnishing of a consumer report or other

information regarding you or related to you, arising from or in connection with your file maintained by Defendants.

The "Release" contained in the Settlement Agreement states:

In exchange for the relief described in this Settlement Agreement, 1681i Settlement Class Members and the Named Plaintiffs and any of their respective heirs, spouses, executors, administrators, partners, attorneys, predecessors, successors, assigns, agents and/or representatives, and/or anyone acting or purporting to act on their behalf agree to release the Released Parties from all duties, obligations, demands, claims, actions, causes of action, suits, damages, rights or liabilities of any nature and description whatsoever, whether arising under local, state or federal law, whether by Constitution, statute (including, but not limited to, the FCRA and FCRA State Equivalents), tort, contract, common law or equity or otherwise, whether known or unknown, concealed or hidden, suspected or unsuspected, anticipated or unanticipated, asserted or unasserted, foreseen or unforeseen, actual or contingent, liquidated or unliquidated, fixed or contingent related to, arising from or in connection with Defendants' furnishing of a consumer report or other information regarding that Consumer or related to, arising from or in connection with that Consumer's file maintained by Defendants. It is the intent of the Parties that this release cover every possible claim that could have been brought under the FCRA and FCRA State Equivalents, regardless of whether it was a claim relating to accuracy, privacy, disclosure, notification, dispute processing, or any other requirement imposed by federal or state law in connection with furnishing consumer reports. This release includes, but is not limited to all claimed or unclaimed compensatory damages, actual damages, damages stemming from any allegations of willfulness, recklessness, damages for emotional distress, statutory damages, consequential damages, incidental damages, treble damages, punitive and exemplary damages, as well as all claims for equitable, declaratory or injunctive relief under any federal or state statute or common law or other theory that was alleged or could have been alleged in the Litigation, including but not limited to any and all claims under deceptive or unfair practices statutes, or any other statute, regulation or judicial interpretation. This release also includes interest, costs and fees arising out of any of the claims described above. Notwithstanding the foregoing, this is not a general release of claims unrelated to Defendants' business as or in affiliation with a consumer reporting agency. Nothing in this Settlement Agreement shall be deemed a release of the Parties' respective rights and obligations under this Settlement Agreement.

#### EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a benefit from this settlement, but you want to maintain your right to sue or continue to sue the Defendants on your own about the legal issues in this case, you must take steps to exclude yourself from the Settlement Class. This is called excluding yourself – or is sometimes referred to as "opting out" of the Settlement Class. Opting out gives you the right to bring your own lawsuit but may preclude you from participating in any future class action against Defendants and does not guarantee that your own lawsuit will be successful.

#### 10. HOW DO I EXCLUDE MYSELF FROM THE SETTLEMENT?

You may "opt out" or exclude yourself from the settlement as explained below.

REQUESTS FOR EXCLUSION THAT ARE NOT POSTMARKED ON OR BEFORE OCTOBER 13, 2011 WILL NOT BE HONORED.

You cannot exclude yourself on the phone or by email. You also cannot exclude yourself by mailing a request to any other location or after the deadline.

If you exclude yourself, you should promptly consult your own attorney about your rights as the time to file an individual lawsuit is limited.

To exclude yourself from the settlement, you must complete the attached Exclusion Request, selecting "I am opting out" where indicated, or send a letter stating that you want to be excluded from the settlement of the *Ryals v. HireRight Solutions* case. Be sure to include: (1) the name of this lawsuit, *Ryals v. HireRight Solutions, Inc.*, Civil Action No. 3:09cv625; (2) your full name, current address, telephone number, and last four digits of your Social Security number; (3) a statement of intention to exclude yourself from the settlement; and (4) your signature. You must mail your Exclusion Request so that it is postmarked no later than October 13, 2011, to:

Exclusion Requests - *Ryals* Settlement Administrator  
Post Office Box 1387  
Blue Bell, PA 19422

#### 11. IF I DO NOT EXCLUDE MYSELF, CAN I SUE DEFENDANTS FOR THE SAME THING LATER?

No. Unless you exclude yourself, you give up the right to sue the Defendants as described above. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You may need to exclude yourself from *this* class action in order to continue your own lawsuit. Remember, October 13, 2011 is the deadline by which your Exclusion Request must be postmarked.



**12. IF I EXCLUDE MYSELF, CAN I GET ANY MONETARY BENEFIT FROM THIS SETTLEMENT?**

No.

**THOSE REPRESENTING YOU**

**13. DO I HAVE A LAWYER IN THIS CASE?**

The Class Representatives retained **Leonard A. Bennett** and **Matthew J. Erausquin**, Consumer Litigation Associates, P.C., 12515 Warwick Boulevard, Suite 100, Newport News, VA 23606; **Christopher Colt North**, 751-A Thimble Shoals Blvd., Newport News, VA 23606; **Dennis M. O'Toole**, **Matthew A. Dooley**, and **Anthony R. Pecora**, Stumphauzer, O'Toole, McLaughlin, McGlamery & Loughman, 5455 Detroit Rd. Sheffield Village, OH 44054; **James Francis** and **Erin Novak**, Francis & Mailman, P.C., 19th Floor, 100 S. Broad Street, Philadelphia, PA 19110; **Sharon Dietrich** and **Janet Ginzberg**, Community Legal Services, Inc., 1424 Chestnut Street, Philadelphia, PA 19102; and **David Searles** and **Michael Donovan**, Donovan Searles & Axler, LLC, 1845 Walnut Street, Philadelphia, PA 19104 to represent them. In connection with the preliminary approval of the settlement, the Court appointed these firms to represent you and other Class Members. Together, the lawyers are called Class Counsel. You will not be separately charged by these lawyers for their work on the case. If you want to be represented by your own lawyer, you may hire one at your own expense.

**14. HOW WILL THE LAWYERS BE PAID?**

Class Counsel will ask the Court for an award of attorneys' fees, which the Defendants have agreed to pay, with counsel for one of the consolidated cases requesting a percentage of approximately 24% of the Settlement Fund and Class Counsel for the other two of the consolidated cases requesting a percentage of approximately 9% of the Settlement Fund. However, the Court may ultimately award less than this amount. Class Counsel will also ask the Court to reimburse the costs and expenses incurred by them and by the Class Representatives in litigating this matter. The Defendants have paid for the costs of this notice to you and the costs of administering the Settlement Fund.

**15. ARE THE CLASS REPRESENTATIVES ENTITLED TO A SEPARATE PAYMENT?**

Class Representatives will ask the Court to approve a payment to each of the named Plaintiffs of an amount not to exceed \$10,000 each as an incentive award for their efforts and time expended in prosecuting this case. However, the Court may ultimately award less than these amounts.

**OBJECTING TO THE SETTLEMENT**

**16. HOW DO I TELL THE COURT THAT I DO NOT LIKE THE SETTLEMENT?**

If you are a Settlement Class Member, you can object to the settlement if you do not think any part of the settlement is fair, reasonable, and/or adequate. You can and should explain the detailed reasons why you think the Court should not approve the settlement, if this is the case. The Court and Class Counsel will consider your views carefully. To object, you must send a letter stating that you object to the settlement in the *Ryals v. HireRight Solutions* case. Be sure to include (1) the name of this lawsuit, *Ryals v. HireRight Solutions, Inc.*, Civil Action No. 3:09cv625; (2) your full name, current address and telephone number; (3) a detailed explanation of the reasons you object to the settlement and any papers in support of your position; and (4) signed verification of membership in the Settlement Class. Mail these materials to these three different places so that they are received no later than October 13, 2011.

**COURT**  
Clerk of the Court  
United States District Court  
701 East Broad Street  
Richmond, VA 23219

**CLASS COUNSEL**  
**Leonard A. Bennett**  
Consumer Litigation Associates, P.C.  
12515 Warwick Boulevard, Suite 100  
Newport News, VA 23606

**DEFENSE COUNSEL**  
**Dane H. Butswinkas**  
Williams & Connolly, LLP  
725 12<sup>th</sup> Street, NW  
Washington, DC 20005

You also must file a statement with the Court that tells the Court the date that you also mailed or delivered copies of these papers to Class Counsel and Defense Counsel.

There are additional requirements necessary for your attorney if you retain one. These requirements are stated in the Settlement Agreement and Preliminary Approval Order available at [www.DACClassAction.com](http://www.DACClassAction.com).



**17. WHAT IS THE DIFFERENCE BETWEEN OBJECTING AND EXCLUDING?**

Objecting is simply telling the Court that you do not like something about the settlement. You can object only if you remain in the Class. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object to this settlement because the case no longer affects you.

**THE COURT'S FAIRNESS HEARING**

The Court will hold a hearing to decide whether to approve the settlement. You may attend, and you may ask to speak, but you do not have to.

**18. WHEN AND WHERE WILL THE COURT DECIDE TO APPROVE THE SETTLEMENT?**

The Court will hold a Fairness Hearing on November 3, 2011, at 10:00 a.m., in Courtroom 6000 of the United States District Court for the Eastern District of Virginia, 701 East Broad Street, Richmond, VA 23219. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have submitted timely requests to speak at the hearing. The Court may also decide the amount that Class Counsel and Class Representatives shall be paid. After the hearing, the Court will decide whether to finally approve the settlement.

**19. DO I HAVE TO COME TO THE HEARING?**

No. Class Counsel will answer questions the Court may have. But you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

**20. MAY I SPEAK AT THE HEARING?**

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in the *Ryals v. HireRight Solutions* case." Be sure to include your name, address, telephone number and your signature. Your Notice of Intention to Appear must be sent to the Clerk of the Court, Class Counsel and Defense Counsel, at the three addresses previously provided above and must be received by the Clerk of the Court by October 13, 2011. You cannot speak at the hearing if you have excluded yourself.

**GETTING MORE INFORMATION**

**21. ARE THERE MORE DETAILS ABOUT THE SETTLEMENT?**

This notice summarizes the proposed settlement. More details can be found on the settlement website at [www.DACClassAction.com](http://www.DACClassAction.com), which includes the complaint, Settlement Agreement, and other governing settlement documents.

**22. HOW DO I GET MORE INFORMATION?**

You can visit the website at [www.DACClassAction.com](http://www.DACClassAction.com). If you have questions about the case, you can call toll free (877) 854-4675, or you can contact Class Counsel, **Leonard A. Bennett**, Consumer Litigation Associates, P.C. by e-mail at [bennett@clalegal.com](mailto:bennett@clalegal.com), or by mail at 12515 Warwick Boulevard, Suite 100, Newport News, VA 23606.

**PLEASE, DO NOT CALL THE COURT, THE CLERK OR THE DEFENDANTS REGARDING THIS SETTLEMENT.**

**Exclusion Request – Ryals Settlement Administrator**  
**Receive No Settlement Benefits**

**(If you choose this option, you will not receive a settlement check)**

To exclude yourself from the settlement, you must complete the attached Exclusion Request, selecting “I am opting out” where indicated, or send a letter stating that you want to be excluded from the settlement of the *Ryals v. HireRight Solutions* case. Be sure to include: (1) the name of this lawsuit, *Ryals v. HireRight Solutions, Inc.*, Civil Action No. 3:09cv625; (2) your full name, current address, telephone number, and last four digits of your Social Security number; (3) a statement of intention to exclude yourself from the settlement; and (4) your signature.

You must mail your Exclusion Request so that it is postmarked no later than October 13, 2011, to:

Exclusion Requests - *Ryals* Settlement Administrator  
Post Office Box 1387  
Blue Bell, PA 19422

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**Exclusion Request - *Ryals* Settlement Administrator**

FILL OUT AND RETURN THIS FORM ONLY IF YOU WISH TO EXCLUDE YOURSELF FROM THE SETTLEMENT. IF YOU WISH TO PARTICIPATE IN THE SETTLEMENT, YOU DO NOT NEED TO RETURN THIS FORM.

\_\_\_\_\_ I am opting out of the Settlement in *Ryals v. HireRight Solutions, Inc.*, Civil Action No. 3:09cv625.

Full name:

\_\_\_\_\_

Current address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone number:

\_\_\_\_\_

Last four digits of SSN:

\_\_\_\_\_

\_\_\_\_\_  
Signature

**Ryals v. HireRight Solutions, Inc. Settlement Administrator**  
Post Office Box 4109  
Portland, OR 97208-4109

## Claim Form

**Ryals v. HireRight Solutions, Inc.**  
3:09cv625 (E.D. Va.)

- If the Court approves the settlement and you do nothing, a check in the approximate amount of \$134.00 will automatically be mailed to you. If you instead submit this claim form for your actual damages and the claim is determined to be valid, you will receive a cash payment for your damages. The amount of the cash payment will be determined as described in Section 8.7.2 of the Settlement Agreement.
- The claim form must include some "proof" that you actually incurred damage or harm from an inaccurate DAC, USIS Commercial Services or HireRight Solutions consumer report. You do not need to prove the amount of your injury, only that it occurred. Completing and signing this form is an acceptable way to provide "proof" that you incurred damage or harm.
- Claims may be filed by deceased Actual Damages Claims Settlement Class Members through representatives of their estates. If you are submitting a claim on behalf of a deceased Settlement Class Member, you must submit appropriate documentation with this claim form demonstrating that you are duly authorized to do so.
- The deadline to submit a claim is 14 days following Final Approval. This deadline will be no earlier than **November 17, 2011**. The actual claim deadline will be posted when it becomes known at [www.DACClassAction.com](http://www.DACClassAction.com).

### Section I: Your Personal Information

(STOP! Do not complete this section if the preprinted information above is correct)

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Section II: Additional Information

Social Security Number (required) \_\_\_\_\_ Date of Birth (required) \_\_\_\_\_ Telephone Number (required) \_\_\_\_\_  
Email Address (optional) \_\_\_\_\_

### Section III: Your Damages Information

I believe that I suffered actual damages from an inaccurate consumer report provided to my employer or my prospective employer by DAC, USIS Commercial Services or HireRight Solutions.

Name of Employer/Prospective Employer \_\_\_\_\_

As a result of the inaccurate consumer report (*check all that apply*):

- ☐ My employment application was denied (I did not get the job).  
☐ I was terminated by my employer (I was fired).  
☐ I was unable to obtain a security clearance or had such clearance delayed.  
☐ I received the job or was not fired, but was required to explain the inaccurate consumer report or take other steps and/or suffered other harm from the inaccuracy.

***Please continue on reverse side.***

**Questions? Call 1-877-854-4675 or visit [www.DACClassAction.com](http://www.DACClassAction.com)**



### Section III: Your Damages Information (continued)

**You must select one of the following two options.**

- ☐ A. I have included a letter or other document with this claim form from the employer listed above stating that I was fired, not hired or suffered some other adverse employment action. OR
- ☐ B. The following is my written explanation of the damages I suffered from the inaccurate consumer report provided to my employer or prospective employer by DAC, USIS Commercial Services or HireRight Solutions. This written explanation must be sufficient for the Settlement Administrator to confirm your claim.

- ☐ B. The following is my written explanation of the damages I suffered from the inaccurate consumer report provided to my employer or prospective employer by DAC, USIS Commercial Services or HireRight Solutions. This written explanation must be sufficient for the Settlement Administrator to confirm your claim.

(Attach additional pages as needed.)

## Section IV: Signature

**My signature below certifies that to the best of my knowledge the information I have provided is truthful and correct.**

**Signature:** \_\_\_\_\_

Date: \_\_\_\_\_

## Submitting Your Claim

**Claim Forms must be mailed to:**

**Ryals v HireRight Solutions Settlement Administrator**  
P.O. Box 4109  
Portland, OR 97208-4109

**You may also submit your claim online at [www.DACClassAction.com](http://www.DACClassAction.com).**

**Questions? Call 1-877-854-4675 or visit [www.DACClassAction.com](http://www.DACClassAction.com)**

# Exhibit C

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

**JAMES RYALS, JR., *et al*,  
on behalf of themselves and all  
others similarly situated,**

**Plaintiffs**

**v.**

**HIRERIGHT SOLUTIONS, INC., *et al*,**

**Defendants.**

**Civil No. 3:09cv-625**

**DECLARATION OF ROBERT OSEAS**

I, Robert Oseas, declare as follows:

1. I am a Project Manager employed by Epiq Systems, Class Action & Claims Solutions ("ECA") formerly known as Poorman-Douglas Corporation. ECA has been retained by the RSM McGladrey, the Notice Administrator in the above-captioned case, to provide services related to providing notice to and receiving Claim Forms from potential Class Members. I am fully familiar with the actions taken by ECA as described below, and except as otherwise stated, have personal knowledge of the matters stated in this declaration and am competent to testify about them if called upon to do so.

2. I submit this declaration to describe the activities undertaken by ECA in the matter known as *Ryals v. HireRight Solutions, Inc.*, Civil No. 3:09cv625.

**DECLARATION OF ROBERT OSEAS**



### **NOTICE MAILING**

3. On July 13, 2011, ECA received from RSM McGladrey an electronic listing of the information for 665,318 individuals identified as members of the 1681k Settlement Class and 21,763 individuals identified as members of the 1681i Settlement Class. ECA utilized the US Postal Service's National Change of Address service to search for newer mailing addresses for these individuals, where possible. Through this process, ECA updated the mailing information for 5,529 individuals.

4. Utilizing standard data validation procedures, ECA removed 1,261 duplicative entries from the mailing list. ECA also identified 1,448 records for which there was no complete mailing address available. Both groups of records were excluded from the initial mailing effort, leaving 684,372 valid records for mailing. ECA also provided an electronic list of the 1,448 records for which there was no complete mailing address to RSM McGladrey.


5. On August 12, 2011, ECA mailed the 1681k Notice to 663,025 potential 1681k Class Members. ECA mailed the 1681i Notice and Claim Form to 21,347 potential 1681i Class Members.

6. On August 13, 2011, ECA received from RSM McGladrey a supplemental data file that contained completed addresses for 627 of the 1,448 records excluded from the initial mailing effort because they lacked a complete mailing address. ECA updated these 627 records and prepared notice mailings for these potential Class Members.

7. On August 17, 2011, ECA mailed the 1681k Notice to an additional 621 potential 1681k Class Members. ECA mailed the 1681i Notice and Claim Form to an additional 6 potential 1681i Class Members.

8. As of the close of business on October 14, 2011, ECA has mailed the 1681k Notice to 132 Class Members and 1681i Notice to 208 Class Members who have requested a new copy via the toll-free number, correspondence received through the Post Office Box or whose original 1681i Notice Package mailing was returned to ECA with a postal forwarding address.

I declare under penalty of perjury under the laws of the United States, and the state of Oregon that the foregoing is true and correct and that this affidavit was executed on October 18, 2011 in Beaverton, Oregon.



Robert Oseas

# Exhibit D



## Exclusions Received (1681i)

#	First Name	Last Name	ID	Class	Invalid	Week
1	MOHAMMED	ABDELRAZEK	670727	1681i	Y	9/2/2011
2	BRADY	ALDRICH	676784	1681i		10/14/2011
3	ABDI	ALI	676510	1681i		9/2/2011
4	MICHAEL	BECK	677890	1681i	Y	9/2/2011
5	MARK	BEIL	680372	1681i	Y	9/2/2011
6	THOMAS	BLACK	684541	1681i		10/7/2011
7	MICHAEL	BURNS	679892	1681i	Y	8/26/2011
8	RICHARD	BUTTON	685797	1681i		9/9/2011
9	BENJAMIN	COAKS	668295	1681i	Y	9/23/2011
10	ALAN	COSTELLO	684867	1681i	Y	9/9/2011
11	EUGENE	DOWNES	677400	1681i	Y	8/26/2011
12	LOUIS	DUNSTON	684918	1681i	Y	9/30/2011
13	ERIC	DYLENSKI	667926	1681i		9/23/2011
14	RALPH	GADT	683847	1681i	Y	8/26/2011
15	JUAN	GARCIA	674979	1681i	Y	8/26/2011
16	MARGUERITA	GARCIA	676554	1681i		8/26/2011
17	ROBERT	HAMILTON	668670	1681i		8/26/2011
18	CARNEL	HAYES	678802	1681i	Y	8/26/2011
19	MICHAEL	HERRON	674050	1681i	Y	8/26/2011
20	TRACY	JOHNAON	668898	1681i		8/26/2011
21	KENNETH	KEEFED	674021	1681i	Y	8/26/2011
22	TODD	KLEINTOP	672459	1681i	Y	9/9/2011
23	RANDALL	LITTLETON	671937	1681i	Y	9/2/2011
24	HAL	MCCULLOUGH	668746	1681i	Y	8/26/2011
25	DANIEL	METCALF	680932	1681i	Y	9/2/2011
26	ANTHONY MICHAEL	NWASOMA	685141	1681i	Y	9/16/2011
27	RICHARD	OWUSU	680508	1681i	Y	9/16/2011
28	CRAIG	PETERSON	674499	1681i		8/26/2011
29	JOSE	POPOCA	687199	1681i	Y	8/26/2011
30	DAVID	PRITCHARD	669369	1681i		9/2/2011
31	OSCAR	REINOSO	672916	1681i	Y	9/16/2011
32	KEVIN	ROSS	684874	1681i	Y	9/2/2011
33	CECIL	SALAZAR	676533	1681i		9/2/2011
34	J	SANCHEZ	677143	1681i	Y	9/16/2011
35	PHILLIP	SCHELHAUS	668402	1681i		8/26/2011
36	MICHELLE	SHIRLEY	680619	1681i		9/16/2011
37	LARRY	SIDERS	680702	1681i	Y	8/26/2011
38	EDGAR	SIMON JR	682026	1681i		9/30/2011
39	CHRISTOPHER	SMITH	666130	1681i		8/26/2011
40	LAURA	TAYLOR	665997	1681i		9/2/2011
41	WILLIE	TAYLOR	677592	1681i	Y	8/26/2011
42	PIERRE	TESSONO	677627	1681i	Y	8/26/2011
43	MARKUS	THOMPSON	671602	1681i	Y	9/16/2011
44	DWIGHT	TURNER	677940	1681i		8/26/2011
45	JOSE	VALLE	681937	1681i	Y	10/7/2011
46	THEODORE	WALDEN	682846	1681i	Y	8/26/2011
47	MATTHEW	WEATHINGTON	667021	1681i	Y	8/26/2011
48	LORRAINE	WILCOX	687273	1681i	Y	10/14/2011

Total 1681i Exclusions Received

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## Exclusions Received (1681k)

#	First Name	Last Name	ID	Class	Invalid	Week
49	AINAR	ABDEL BASIP	515887	1681k	Y	9/9/2011
50	JAMES	ADAMS	319524	1681k		9/2/2011
51	TROY	ADAMS	188454	1681k	Y	9/2/2011
52	ABDIRIZAK	ADEN	512249	1681k	Y	9/16/2011
53	JOHN	ALFORD	47356	1681k	Y	9/2/2011
54	DAVID	ALGER	199320	1681k		9/2/2011
55	ROGER	ALIG	493329	1681k		10/14/2011
56	JASON	ALLISON	199415	1681k	Y	8/26/2011
57	ROBERT	ALLISON	112449	1681k	Y	9/2/2011
58	LUIS	ALVAREZ	430529	1681k		9/9/2011
59	ERIBERTO	ANGUIANO	607294	1681k	Y	9/2/2011
60	LORETO	ANGULO DIAZ	290010	1681k	Y	9/23/2011
61	MICHAEL	AREL	4540	1681k		9/9/2011
62	CHAMBERLAIN	ARINZE	430736	1681k	Y	9/2/2011
63	DAVID	AVERITT	485526	1681k		10/14/2011
64	DIANE	BAILEY	126532	1681k		9/2/2011
65	JOSEPH	BAILEY	97894	1681k	Y	9/2/2011
66	JASWINDER	BAINES	571361	1681k		9/2/2011
67	KEITH	BALES	188751	1681k	Y	9/2/2011
68	BRANE	BARAC	590965	1681k		9/9/2011
69	ELFIDA	BARAJAS	290331	1681k	Y	9/2/2011
70	RICKY	BARRETT	566705	1681k	Y	9/2/2011
71	AUGUSTUS	BARRON	64711	1681k		8/26/2011
72	TABITHA	BENNETT	508016	1681k	Y	9/2/2011
73	SHAWN	BLACKERT	324985	1681k	Y	9/9/2011
74	GEORGE	BLACKIE	612323	1681k		9/2/2011
75	JAMES	BLACKSHIRE	201348	1681k	Y	9/2/2011
76	RANDY	BOMBARDIER	652664	1681k		8/26/2011
77	CANDACE	BONIFACIO	551129	1681k		9/23/2011
78	ROY	BONTON	559577	1681k	Y	9/16/2011
79	STANLEY J	BOODRY	69723	1681k	Y	8/26/2011
80	MURRAY	BOONE	620818	1681k		9/9/2011
81	RAYMOND	BOSTON	246576	1681k	Y	9/9/2011
82	LASHAWN	BOWMAN	409738	1681k		9/23/2011
83	ANDRE	BOYD	465501	1681k	Y	10/14/2011
84	GARRY	BOYD	126243	1681k	Y	10/14/2011
85	MANFRED	BRADLEY	571850	1681k		9/9/2011
86	JEFFONILE	BRANTLEY	367390	1681k	Y	8/26/2011
87	BILLY	BRAY	140900	1681k	Y	10/7/2011
88	JAMES HUNTER	BROWN	90619	1681k	Y	8/26/2011
89	JAMES	BRUCE	486975	1681k	Y	9/23/2011
90	TERRY	BUTLER	118567	1681k		9/9/2011
91	ROBERTO	CAIN	558508	1681k		9/16/2011
92	HARRISON	CARTER	585382	1681k	Y	9/2/2011
93	MAURICE	CARTER	558811	1681k		9/23/2011
94	DOMINGO	CASTILLO	543725	1681k		10/7/2011
95	GEORGE	CASTILLO	227398	1681k		9/16/2011
96	MARVIN	CERON	663556	1681k	Y	9/2/2011
97	SCOTT	CHAMBARD	338819	1681k	Y	9/9/2011
98	JAMES	CHANDLER	451007	1681k	Y	10/7/2011
99	RODNEY	CHRISTIANSEN	397471	1681k		10/7/2011
100	KEITH	CLAIBORNE	458289	1681k	Y	9/2/2011
101	SHEILA	CLEMENTS	650828	1681k		9/16/2011



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102 KEVIN	COBB	472098	1681k	Y	8/26/2011
103 CLYDE	CONNER	98506	1681k	Y	9/2/2011
104 MICHAEL	COOK	245545	1681k	Y	9/2/2011
105 ROBERT	COOK	81792	1681k	Y	9/2/2011
106 JEFF	COPELAND	42435	1681k		8/26/2011
107 RANDALL	COPELAND	264524	1681k		9/9/2011
108 VICTOR	COSTALES	448984	1681k	Y	8/26/2011
109 JAMES	COUCH	594115	1681k		9/2/2011
110 LARRY	CRAINE	656347	1681k	Y	9/2/2011
111 HENNIS	CRANK	94651	1681k	Y	9/16/2011
112 RICHARD	CRAVEN	115882	1681k	Y	9/2/2011
113 FRANKLIN	CRIGGER	351008	1681k	Y	9/2/2011
114 ROBIN	CRIGGER	243414	1681k	Y	9/2/2011
115 KIRKLAN	CRUSOE	167706	1681k	Y	9/16/2011
116 RUSSELL	CRYER	392801	1681k	Y	10/14/2011
117 SCOTT	CUTLER	193686	1681k		9/23/2011
118 JOHN	CUTRELL	351563	1681k	Y	9/2/2011
119 HARRY	DANIELS	370853	1681k		10/14/2011
120 VERNON	DAVIS	479214	1681k		8/26/2011
121 ADAM	DECKEA	398778	1681k		8/26/2011
122 ANTHONY	DELGADO	541629	1681k		9/2/2011
123 TERR	DICKERSON	518427	1681k		9/9/2011
124 ANTHONY	DIEW	24062	1681k	Y	9/9/2011
125 LEWIS	DIXON	122998	1681k	Y	8/26/2011
126 JAMES	DUCKWORTH	588909	1681k	Y	8/26/2011
127 MIKE	DUFFY	252371	1681k	Y	9/2/2011
128 BRET	DUNAWAY	545853	1681k		9/2/2011
129 TANEKA	ELLIS	524021	1681k		9/2/2011
130 CURTIS	EMMONS	2648	1681k	Y	8/26/2011
131 EDYTHE	ENSIGN	127761	1681k	Y	9/23/2011
132 DYLAN	ESTES	19464	1681k	Y	9/23/2011
133 JOEL	EVANS	644904	1681k	Y	9/30/2011
134 PHILIP	FAICCO	440808	1681k		10/7/2011
135 DANA	FEWINS	285551	1681k		9/2/2011
136 SUSIE	FISHER	624188	1681k		8/26/2011
137 BERNARD	FLOWERS	266639	1681k	Y	9/16/2011
138 ROGER	FOLMAR	359390	1681k	Y	9/2/2011
139 MICHAEL	FONDREN	184476	1681k		8/26/2011
140 WILLIE	FOUNTAIN	50734	1681k	Y	10/14/2011
141 DALE	FRAISER	384219	1681k		9/2/2011
142 TIMOTHY	FRAZIER	326553	1681k	Y	8/26/2011
143 JOHN	FREE	492251	1681k	Y	9/9/2011
144 JAMES	FURROW	239076	1681k	Y	9/23/2011
145 PETER	GACH	222420	1681k	Y	9/2/2011
146 JUAN	GARCIA	83164	1681k		9/23/2011
147 KAILA	GENTRY	503376	1681k		9/23/2011
148 CLARK	GEORGE	208594	1681k	Y	9/9/2011
149 JORGE	GIRALDO	27330	1681k		8/26/2011
150 RICKY	GOMEZ	141785	1681k	Y	9/2/2011
151 SAM	GONZALES	292645	1681k	Y	9/23/2011
152 LUIS	GONZALEZ	648499	1681k	Y	9/9/2011
153 GERRIT	GRAHAM	318377	1681k		9/9/2011
154 LAMAR	GRANT	96353	1681k	Y	9/23/2011
155 JOHN	GRAY	89704	1681k	Y	9/2/2011
156 WALTER	GRAYER	55472	1681k	Y	9/2/2011



157 FRANK	HALL	508010	1681k	Y	9/9/2011
158 HERMAN	HALL	111732	1681k		9/2/2011
159 ISAAC	HAMMETT	484673	1681k	Y	9/16/2011
160 JOHN	HAND	523052	1681k		9/23/2011
161 THOMAS	HARP	238396	1681k	Y	8/26/2011
162 TIMOTHY	HAUSE	322125	1681k	Y	9/30/2011
163 RONALD	HAWKINS	616859	1681k		9/30/2011
164 BRIAN	HAYDEN	67152	1681k		9/16/2011
165 RICKY	HAYES	334645	1681k	Y	9/16/2011
166 DORIAN	HELBIG	449442	1681k	Y	10/7/2011
167 DANIEL	HELTON	619622	1681k		9/16/2011
168 WILLIAM	HENSLEY	106105	1681k	Y	9/9/2011
169 MATHEW	HENSON	226389	1681k	Y	9/23/2011
170 JIMMIE	HERNANDEZ	202523	1681k	Y	8/26/2011
171 RAMIRO	HERNANDEZ	607077	1681k	Y	9/2/2011
172 ROSALIO	HERNANDEZ	169131	1681k	Y	9/2/2011
173 GARY	HESALTINE	86478	1681k	Y	9/2/2011
174 GREGORY	HIBDON	550319	1681k	Y	9/16/2011
175 RAYMOND	HILARIO	544861	1681k		9/2/2011
176 MICHAEL	HODGE	318217	1681k	Y	8/26/2011
177 KEVIN	HOKE	326327	1681k		9/23/2011
178 CLAYTON	HOLIMAN	539495	1681k	Y	8/26/2011
179 STEPHEN	HOLLERS	181301	1681k	Y	9/16/2011
180 MACK	HOLLINGSWORTH	161962	1681k		9/2/2011
181 JOHN	HOOSIER	565433	1681k	Y	9/23/2011
182 THOMAS	HUGHES	170209	1681k		9/2/2011
183 ROBERT	HUNSUCKER	568810	1681k		9/9/2011
184 NEAL	HUTCHENS	46069	1681k		9/9/2011
185 IBRAHIM	IBRICIC	222482	1681k		9/2/2011
186 STEVEN	IM	436245	1681k		10/14/2011
187 MOHAMMED	ISLAM	226183	1681k		9/16/2011
188 ALAN	JACKSON	152169	1681k	Y	9/9/2011
189 TERILYN	JACKSON	478967	1681k		9/16/2011
190 MALCOM	JACOBS	267285	1681k		9/30/2011
191 MICHAL	JADWISZCZAK	591536	1681k		9/2/2011
192 KURT	JANICEK	588044	1681k		9/2/2011
193 SAMIR	JARIRI	464079	1681k	Y	9/9/2011
194 WILLIE	JENKINS	247983	1681k	Y	9/9/2011
195 ALVIN	JOHNSON	56761	1681k		9/9/2011
196 JAMES	JONES	370306	1681k	Y	9/16/2011
197 JAMES	JONES	267336	1681k	Y	10/14/2011
198 JAMES	JONES	84636	1681k	Y	8/26/2011
199 RICHARD	JONES	547118	1681k		9/9/2011
200 RONALD	JONES	61652	1681k		9/23/2011
201 JON	JORDAN	464982	1681k		10/14/2011
202 PIERRE	JOSEPH	606895	1681k	Y	9/16/2011
203 WALTER	KATZER	285197	1681k		8/26/2011
204 BARRY	KAY	84193	1681k	Y	9/16/2011
205 DENNIS	KEEL	655558	1681k		9/9/2011
206 GEORGE	KENNEDY	619104	1681k		10/7/2011
207 FRED	KITCHEN	413509	1681k	Y	9/9/2011
208 TIMOTHY	KNIGHT	439514	1681k	Y	9/23/2011
209 MARK	KOLESA	322511	1681k	Y	8/26/2011
210 ALEKSANDER	KOSTIN	382959	1681k		9/9/2011
211 RAYMOND	KURTZE	286711	1681k	Y	9/2/2011

212	CARLOS	LARA	202598	1681k	Y	9/9/2011
213	JIMMIE	LAZENBERRY	498064	1681k		9/2/2011
214	JACOB	LEE	578503	1681k		8/26/2011
215	WILLIE	LEE	625623	1681k		9/30/2011
216	MEDARDO	LEON	221342	1681k		10/14/2011
217	LUIS	LEVIS	4702	1681k	Y	8/26/2011
218	MARLOW	LEWIS	650701	1681k	Y	10/14/2011
219	SCOTT	LEWIS	341244	1681k	Y	9/9/2011
220	STEVEN	LINDSLEY	284588	1681k	Y	9/16/2011
221	DOUGLAS	LITRELL	264631	1681k	Y	9/23/2011
222	MARSHALL	LOGAN	482258	1681k	Y	8/26/2011
223	ALEJANDRO	LOPEZ	220397	1681k	Y	9/2/2011
224	FELIPE	LOPEZ	611278	1681k	Y	9/9/2011
225	CURTIS	LOVE	562163	1681k		8/26/2011
226	WALTER	LOVE	108302	1681k		9/2/2011
227	THOMAS	LOVETT	117064	1681k	Y	9/2/2011
228	TIMOTHY	LUCAS	524627	1681k	Y	9/2/2011
229	NEIL	MACGREGOR	307679	1681k		9/30/2011
230	REGINALD	MAJORS	332129	1681k	Y	9/2/2011
231	CARLOS	MARQUEZ	225436	1681k		9/2/2011
232	MICHAEL	MARSHALL	67978	1681k		9/9/2011
233	CADONA	MARTEL	591623	1681k	Y	8/26/2011
234	PARRIS	MARTIN	542500	1681k		9/23/2011
235	JOSE	MARTINEZ	177154	1681k	Y	10/7/2011
236	CURTIS	MASON	78909	1681k	Y	8/26/2011
237	ELEVISI	MATAFAHI	383565	1681k	Y	9/23/2011
238	LAURENCE	MAULDIN	481121	1681k	Y	8/26/2011
239	KEVIN	MCCARTHY	409943	1681k		9/16/2011
240	ROY	MCCORMICK	22141	1681k		9/2/2011
241	JAMES	MCCOY	148530	1681k	Y	9/9/2011
242	ETHEL	MCDONALD	143219	1681k	Y	9/16/2011
243	ROBERT	MCRAE	486760	1681k	Y	8/26/2011
244	BRUCE	MESPLAY	423265	1681k		9/23/2011
245	DANIEL	METCALF	655207	1681k	Y	9/9/2011
246	JORDAN	MILLER	384412	1681k		9/2/2011
247	MARIALISA	MILLER	447991	1681k		9/9/2011
248	RANDOLPH	MILLER JR	38429	1681k	Y	9/2/2011
249	ARMANDO	MONTES	176757	1681k	Y	9/16/2011
250	DALE	MOORE	60556	1681k	Y	9/16/2011
251	RODNEY	MOORE	261337	1681k		9/9/2011
252	SHANE	MOORE	642541	1681k	Y	8/26/2011
253	JOHN	MORGAN	343552	1681k	Y	9/16/2011
254	ELIZABETH	MOSS	477290	1681k	Y	8/26/2011
255	STEFAN	MUELLER	389981	1681k		8/26/2011
256	VICTOR	MUMA	504987	1681k	Y	9/2/2011
257	JACK	MURPHY	342450	1681k	Y	8/26/2011
258	PEDRO	NAVARRO	574338	1681k	Y	9/23/2011
259	DONALD	NEWMAN	161746	1681k		9/9/2011
260	CHARLIE	NOBLE	58268	1681k	Y	9/2/2011
261	PATRICK	O'TOOLE	224186	1681k		8/26/2011
262	BRET	OLSEN	599609	1681k	Y	9/9/2011
263	OLMER	ORTIZ	12713	1681k		9/16/2011
264	GREGORY	OSKINS	363770	1681k	Y	9/16/2011
265	ROBERT	OTT	60179	1681k	Y	9/2/2011
266	SANDRA	OWEN	122441	1681k		9/23/2011



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267 LATOYA	PALMER	437888	1681k		10/14/2011
268 ANTHONY	PANTO	610969	1681k		9/23/2011
269 FRANCISCO	PASTRANA	259092	1681k	Y	10/14/2011
270 GARY	PATTERSON	625936	1681k	Y	8/26/2011
271 FIDENCIO	PEREZ	632520	1681k	Y	9/9/2011
272 JOHNNIE	PERKINS	479482	1681k	Y	9/2/2011
273 MARK	PERKINS	528381	1681k	Y	9/2/2011
274 DAVID	PERRINE	321876	1681k		9/9/2011
275 SCOTT	PERRY	183111	1681k		8/26/2011
276 DUANE	PETERSON	233631	1681k	Y	8/26/2011
277 THOMAS	PHALEN	648937	1681k	Y	9/30/2011
278 SOURİYETH	PHANDA	252906	1681k	Y	9/2/2011
279 DUNCAN	PHELPS	149667	1681k		9/23/2011
280 WILLIAM	PHILLIPS	233273	1681k		8/26/2011
281 CLEO	PICKENS	400493	1681k	Y	9/9/2011
282 TERRY	POOLE	480243	1681k		9/9/2011
283 SURAJ	POONAI	230235	1681k	Y	8/26/2011
284 PAUL	POTEAT	91193	1681k	Y	9/2/2011
285 DAVID	POWELL	52768	1681k	Y	9/2/2011
286 GLENN	PRATT	502981	1681k	Y	9/23/2011
287 STANLEY	PRICHETT	369972	1681k		9/23/2011
288 MAE	PRITCHETT	81571	1681k		9/23/2011
289 KEVIN	PYLE	549655	1681k		8/26/2011
290 MARTINEZ	RAPHAEL	601677	1681k		9/9/2011
291 JOSEPH D	REDAVIDE	53498	1681k		9/23/2011
292 HERBERT	REED	569782	1681k	Y	9/2/2011
293 MICHAEL	REID	4387	1681k	Y	9/9/2011
294 LINDA	RENSLOW	105280	1681k		9/16/2011
295 KEITH	RHODES	595158	1681k	Y	9/2/2011
296 RAY	RHONE	519233	1681k	Y	9/2/2011
297 ANTIOCO	RIOS	643247	1681k	Y	8/26/2011
298 MARK	RIOWS	213797	1681k	Y	8/26/2011
299 DONDI	RIVERS	390855	1681k	Y	9/16/2011
300 CAROL	ROBERTS	432252	1681k	Y	9/9/2011
301 DONALD	ROBINSON	653213	1681k		9/2/2011
302 MICHAEL	ROBINSON	592564	1681k	Y	9/2/2011
303 GARY	RODGERS	156288	1681k	Y	9/2/2011
304 MARCIAL	RODRIGUEZ	643932	1681k	Y	9/9/2011
305 JIMMY	ROGERS	484870	1681k		9/2/2011
306 ALEXANDER	ROUSSOS	322616	1681k	Y	9/23/2011
307 ROY	RUCKER	415935	1681k		10/7/2011
308 LARRY	RUFFIN	475426	1681k	Y	8/26/2011
309 JOEY	RUNNELS	114688	1681k		9/9/2011
310 RAMON	SALAME	660394	1681k	Y	10/14/2011
311 ROBIN	SALAZAR	597056	1681k	Y	9/2/2011
312 JOSHUA	SALKIN	583769	1681k		9/16/2011
313 RONALD	SANDLIN	392030	1681k	Y	9/23/2011
314 FRANCISCO	SANDOVAL	648091	1681k	Y	9/23/2011
315 RONALD	SANTANA	223083	1681k		9/2/2011
316 OSCAR	SARAVIA	294111	1681k	Y	9/30/2011
317 JACK	SCHMITT	652666	1681k	Y	9/16/2011
318 MICHAEL	SCOTT	626442	1681k		9/2/2011
319 RAYMOND	SEBERRY	518793	1681k	Y	9/2/2011
320 MIRSAD	SELIMOVIC	341921	1681k	Y	9/16/2011
321 REUBEN C	SELLEN	659163	1681k		9/2/2011





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Exclusion List

Exhibit D

322	WILLIAM	SHAFFER	602768	1681k		9/23/2011
323	MICHAEL	SHALDUHA	130119	1681k		9/9/2011
324	JOHN	SHEFFEY	462831	1681k		9/9/2011
325	MARK	SHIRLEY	651290	1681k		9/30/2011
326	TRAVIS	SILK	592340	1681k		9/2/2011
327	ROBERT	SIMMONS	387519	1681k	Y	9/2/2011
328	JINDER	SINGH	298669	1681k	Y	9/2/2011
329	YUDHVIR	SINGH	605151	1681k		9/23/2011
330	VIRLESTA	SKUCY	386673	1681k		9/2/2011
331	TADEUSZ	SLACZKA	452834	1681k	Y	8/26/2011
332	ARTIS	SMITH	358139	1681k	Y	8/26/2011
333	G W	SMITH	74452	1681k	Y	8/26/2011
334	JULIUS	SMITH	159933	1681k	Y	10/7/2011
335	RICKEY	SMITH	333481	1681k		9/30/2011
336	ROBERT	SMITH	646634	1681k	Y	9/16/2011
337	SCOTT	SMITH	90414	1681k		9/9/2011
338	STANLEY	SMITH	233981	1681k	Y	9/9/2011
339	JUDY	SPAULDING	120953	1681k	Y	9/2/2011
340	HAROLD	STANLEY	369587	1681k	Y	8/26/2011
341	BOOKER	STARNES	203646	1681k	Y	10/14/2011
342	TIM	STAUFFER	454421	1681k		8/26/2011
343	BERNARD	STERLING	189931	1681k	Y	9/9/2011
344	ALLEN	STEWART	395477	1681k		9/30/2011
345	DONALD	STEWART	408696	1681k	Y	9/16/2011
346	JOHNNY	STEWART	63547	1681k	Y	9/2/2011
347	DONALD	STINNETT	330347	1681k	Y	9/9/2011
348	JOE	STIZZA	499486	1681k		8/26/2011
349	IVAN	STRILKIVSKY	126855	1681k		9/9/2011
350	DOMINIC	TALANCA	358344	1681k	Y	9/16/2011
351	BILLY	TAYLOR	57854	1681k		9/9/2011
352	WILLIAM	TAYLOR	356524	1681k	Y	9/30/2011
353	GARRY	TEAGUE	431775	1681k		8/26/2011
354	DANNY	THOMAS	627721	1681k		8/26/2011
355	GABRIEL	THOMAS	96721	1681k		9/9/2011
356	EARVIN	THOMPSON	324239	1681k	Y	10/14/2011
357	ERNEST	THOMPSON	351938	1681k		9/9/2011
358	CLYDE	TIPTON	512176	1681k	Y	9/9/2011
359	ERIK	TOLBERT	152260	1681k		10/14/2011
360	WILLIAM	TOPLIFF	588868	1681k	Y	9/2/2011
361	NICOLAS	TORRES	275492	1681k		9/2/2011
362	BERTRANT	TOUSSAINT	347114	1681k	Y	8/26/2011
363	JUSTIN	TUCKER	123422	1681k	Y	8/26/2011
364	MARLON	TUCKER	162740	1681k		9/2/2011
365	MIGAO	TUPUOLA	601138	1681k	Y	9/2/2011
366	RICHARD	TYARKS	588960	1681k	Y	9/16/2011
367	GEORGE	UMFRESS	272072	1681k		9/9/2011
368	ALLEN	VANSICKLE	10401	1681k		9/2/2011
369	CARL	VAUGHAN	530464	1681k		8/26/2011
370	JUAN	VEGA	583373	1681k		8/26/2011
371	SAMMY	WADE	472434	1681k	Y	9/23/2011
372	CATHERINE	WALKER	109346	1681k		9/30/2011
373	CHARLES	WALTERS	400694	1681k	Y	9/9/2011
374	GARY	WARD	395229	1681k		9/23/2011
375	ROBERT	WARD	33224	1681k	Y	9/23/2011
376	SHARIF	WARD	559163	1681k	Y	10/7/2011



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Exclusion List

Exhibit D

377	JON	WARE	314282	1681k		9/9/2011
378	KEITH	WARRIOR	271498	1681k	Y	8/26/2011
379	MICHAEL	WEATHERLY	565018	1681k		9/23/2011
380	ROBERT	WHEELER	411341	1681k		8/26/2011
381	MARIA	WHITE	650405	1681k	Y	9/23/2011
382	MICHAEL	WHITE	189155	1681k	Y	8/26/2011
383	DAVID	WHITTAKER	310736	1681k		9/9/2011
384	BILLY	WHITTLE	387411	1681k		9/2/2011
385	JAME	WILEY	516228	1681k	Y	9/23/2011
386	GARY	WILGUS	31492	1681k	Y	9/2/2011
387	ROBERT	WILKENS	615289	1681k	Y	8/26/2011
388	ANTHONY	WILLIAMS	485190	1681k		10/14/2011
389	JERRY	WILLIAMS	470039	1681k	Y	8/26/2011
390	KEVIN	WILLIAMS	517983	1681k	Y	9/30/2011
391	MARSHA	WILLIAMS	270922	1681k	Y	9/2/2011
392	TOMMY	WILLIAMS	233595	1681k	Y	9/9/2011
393	RANDY	WILLIAMSON	97573	1681k		9/23/2011
394	JACQUETT	WILSON	333141	1681k		10/14/2011
395	JOSEPH	WOODS	614237	1681k		9/9/2011
396	DAMON	WOOTEN	640797	1681k	Y	9/2/2011
397	RONELL	WORRELL	18591	1681k	Y	9/30/2011
398	RICKEY	WRIGHT	283343	1681k	Y	9/2/2011
399	ROBERT	WYATT	404195	1681k		9/16/2011
400	VINCE	WYLESKY	534778	1681k	Y	9/9/2011
401	DOUA	XIONG	582001	1681k		9/9/2011
402	KENNETH	YAKLE	284489	1681k	Y	10/7/2011
403	CHARLES	ZIESKE	280913	1681k		9/30/2011

Total 1681k Exclusions Received

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**Exclusions Received - ID Number Not Located**

#	First Name	Last Name	ID	Class	Invalid	Week
404	THOMAS J	BROWN		NO FIND	Y	8/26/2011
405	LEONIDES	CASTRO LEYUA		NO FIND	Y	10/7/2011
406	BARBARA	DALBERG		NO FIND	Y	9/23/2011
407	MIGUEL	GONZALEZ		NO FIND	Y	10/7/2011
408	CLARENCE	GRANBERRY		NO FIND	Y	9/2/2011
409	WAYNE	HAAS		NO FIND	Y	8/26/2011
410	KENNETH L	HOUGH		NO FIND	Y	8/26/2011
411	JUAN	JACKSON		NO FIND	Y	8/26/2011
412	JAMES & ANDREA	KENNEY		NO FIND	Y	8/26/2011
413	VINCENT	LEE		NO FIND	Y	10/7/2011
414	WILMA L	MCCOY		NO FIND	Y	8/26/2011
415	JAMARI	MCMAHAN		NO FIND	Y	9/2/2011
416	TERRY	MITCHELL JR		NO FIND	Y	9/2/2011
417	BARBARA	PERRODIN		NO FIND	Y	9/23/2011
418	ROLF	STARKE		NO FIND	Y	8/26/2011
419	DOUGLAS	STYKES		NO FIND	Y	9/30/2011
420	JEFFREY	WILLIAMS		NO FIND	Y	9/2/2011
421	NELSON LEE	WILLIAMS		NO FIND	Y	8/26/2011
422	VICTOR	YAVNY		NO FIND	Y	10/14/2011

Total ID Number Not Located Exclusions Received

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**Total Exclusion Requests Received**

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# Exhibit E





	Additional as of 8/26/2011	Additional from 8/27/11 to 9/2/11	Additional from 9/3/11 to 9/9/11	Additional from 9/10/11 to 9/16/11	Additional from 9/17/11 to 9/23/11	Additional from 9/24/11 to 9/30/11	Additional from 10/1/11 to 10/7/11	Additional from 10/8/11 to 10/14/11	Cumulative
1681k Notices - Mailed	5	53	5	27	21	18	3	0	663,778
1681k Notices - Returned	717	3	140	6	7	4	4	2	883
1681i Notices - Mailed	79	83	10	15	11	10	0	5	21,566
1681i Notices - Returned	2,595	441	279	63	29	16	66	6	3,495
1681i Notices - Re-mailed	140	1	4	13	0	0	0	0	158
Actual Damages Claim Forms - Received	1,398	509	207	350	144	124	134	113	2,979
Opt-out Requests - Received*	93	110	70	43	47	19	17	23	422
Objection Notices - Received	0	0	0	0	0	0	0	0	0

	Additional as of 8/26/2011	Additional from 8/27/11 to 9/2/11	Additional from 9/3/11 to 9/9/11	Additional from 9/10/11 to 9/16/11	Additional from 9/17/11 to 9/23/11	Additional from 9/24/11 to 9/30/11	Additional from 10/1/11 to 10/7/11	Additional from 10/8/11 to 10/14/11	Total
* Opt-out Requests - Breakdown									
- 1681i Requests	21	10	3	6	2	2	2	2	48
- 1681k Requests	64	96	67	37	43	16	12	20	355
- Class Not Determined	8	4	0	0	2	1	3	1	19
Total Opt-out Requests	93	110	70	43	47	19	17	23	422